

C2 (b) operatively linked thereto a heterologous DNA sequence.

C2 3. (Amended) The recombinant DNA molecule of claim 1 or 2, wherein said first regulatory sequence is selected from the group consisting of

- (a) DNA sequences comprising a nucleotide sequence as given in SEQ ID NO: 1;
- (b) DNA sequences comprising a nucleotide sequence of SEQ ID NO: 1 from nucleotide 8260 to nucleotide 10560, from nucleotide 8336 to nucleotide 10608 and/or from nucleotide 10094 to nucleotide 10608; and
- (c) DNA sequences comprising a fragment of a nucleotide sequence of any one of (a) to (c) capable of conferring expression in endothelial cells.

4. (Amended) The recombinant DNA molecule of any one of claims 1 to 2, wherein said heterologous DNA sequence is operatively linked to further regulatory sequences.

C4 6. (Amended) The recombinant DNA molecule of claim 4, wherein said further regulatory sequence is a 3'-untranslated region.

7. (Amended) The recombinant DNA molecule of claim 5, wherein said promoter is a promoter of hypoxia inducible genes, genes encoding growth factors or its receptors or glycolytic enzymes.

C5 9. (Amended) The recombinant DNA molecule of claim 5, wherein said promoter comprises a DNA sequence selected from the group consisting of

- (a) DNA sequences comprising the nucleotide sequence as given in SEQ ID NO: 1 from nucleotide 6036 to nucleotide 6959;
- (b) DNA sequences comprising the nucleotide sequence of the human Flk-1/KDR promoter;

- (c) DNA sequences comprising a nucleotide sequence which hybridizes with a nucleotide sequence of (a) or (b) under stringent conditions; and
- (d) DNA sequences comprising a fragment of a nucleotide sequence of any one of (a) to (c).

C5
cancel
10. (Amended) The recombinant DNA molecule of any one of claims 1 to 2, wherein at least one of said DNA sequences is of human or murine origin.

11. (Amended) The recombinant DNA molecule of any one of claims 1 to 2, wherein said heterologous DNA sequence being operatively linked to said regulatory sequences is located 5' to said first regulatory sequence.

C6
13. (Amended) The recombinant DNA molecule of claim 41, wherein said protein is selected from the group consisting of Vascular Endothelial Growth Factor (VEGF), Hypoxia Inducible Factors 7(HIF), HIF-Related Factor (HRF), tissue plasminogen activator, p21 cell cycle inhibitor, nitric oxide synthase, interferon- γ , atrial natriuretic polypeptide and monocyte chemotactic proteins.

14. (Amended) The recombinant DNA molecule of claim 41, wherein said protein is a scorable marker, preferably luciferase, green fluorescent protein or lacZ.

C7
17. (Amended) A vector comprising a recombinant DNA molecule of any one of claims 1 to 2.

C8
19. (Amended) The vector of claim 17, further comprising a gene capable of expressing HIF-2 α .

20. (Amended) An isolated cell transformed with a DNA molecule of any one of claims 1 to 2.

21. (Amended) The isolated cell of claim 20, which is a prokaryotic or eukaryotic cell.

22. (Amended) The isolated cell of claim 20, which is an endothelial cell.

23. (Amended) The isolated cell of claim 20, further comprising a recombinant DNA molecule or vector containing a gene capable of expressing HIF-2 α .

Please add the following claim:

58 42 --41. The recombinant DNA molecule of any one of claims 1 to 2, wherein said heterologous DNA sequence encodes a peptide, protein, sense RNA, or ribozyme.

CA 43 42. The recombinant DNA molecule of claim 1, wherein the first regulatory sequence confers endothelium-specific expression *in vivo* of the heterologous DNA sequence.

AA 43. An isolated cell transformed with the vector of claim 17.--